REFUSES TO TRY CALEB POWERS

Special Judge Robbins Springs Surprise at Opening of Trial

Georget wn, Ky. Aug. 1 .-Judge J. E Robbins, in a written decision, which he read in open court, vacated the beach in in the Caleb Powers case this morning. His decision followed the filing of an affidavit by Powers, alleging that Judge Every Robbins was prejudiced and could not give him a fair trial, The conclusion came like a bombshell axplosion in the camp of the prosecution and was a great surprise to the defense.

Judge Robbins took up each allegation of Powers and denied specifically that they were true, but said that it was too late to mar his record as judge by sitting in a case when he was accused of unfairness. He said that the statement to the effect that he had said, after the last trial, that they were all guilty and and should be hanged, was utterly false. He said that his political affiliations would not influence him against the defendant but that he was a Democrat and had been a Democratic officeholder.

Breathless silence was maintained in the crowded courtroom while the judge read his opinion and his vacating the bench came as a complete surprise to the spectators.

Immediately after he left the bench people rose in their seats and began a disturbance, so that they had to be subsided by the sheriff.

Robbins said that the affidavit of Powers was unsupported, but that he would not serve under the circumstances. After leaving the bench he asked the clerk to notify the governor and the attorneys retired in an effort to agree on another judge.

The defense submitted thirty two names of Commonwealth's Attorney Franklin from which to select a special judge, but all were refused. Most of the names submitted were declined. Franklin refused to give a list himself. An order of disagreement was entered and the governor will Prisoner now have to find a judge.

The trial will not be proceeded with until Gov. Beckham appoints a new judge.

The members of the legislature of 1900 have been summoned by the defense to prove that the caucus declaring Goebel governor was not legal. This evidence is to be introduced in support of the pardon issued to Powers by Gov. W. S. Taylor during his short regime. The pardon has heretofore been held invalid. K. Thaw when the wealthy possession when arrested.

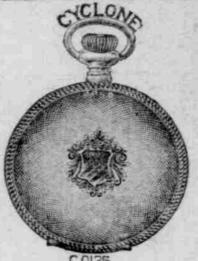
A MASQUERADER

"Joe" Poyle, Injured in Mine Accident Proves to be A Woman.

Washington, Pa., Aug. 2-Masquerading as a man and working side by side with her county coal mines, "Joe" Povle was today discovereb to be Mrs. Susie Povle, when she was taken to a hospital suffering from injuries sustained in a mine accident ot Cecil. The woman, according to her husband, Steve disagreeable surprise to the de- cut in half. \$1. per thousand dead by this time. Povle, had been working with him three years. Her coarse voice and close-cropped hair deceived all as to her sex, while her strength equalled that of any of her male Slav companions, Federal Court. Unless a new Gas Company. The manufac- no hell, only goes to show that The woman's injuries were discovered to be serious, and her of the trial until later is expect- discontinued, except to a limited while there are other places just husband was lodged in the coun- ed.



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ty jail here, charged with violating the law in employing female help in a mine. The woman acted as Povle's "helper" and was paid by him.

COUNSEL FOR THAW

Chooses Tennessee Lawyer to Represent Him in His Next Trial

New York, Aug. 2.-Martin W. Littleton, former president of the Borough of Brooklin, a lawyer and an orator of wide reputation, and a native of Tennessee will be chief counsel for Hary Powers had the pardon in his young Pittsburger again faces a announced the selection of Mr. ton's fee will be \$25,000.

trial lawyer. It was Littleton who around the grounds. husband in vasious Washington made the speech in the last Nanonal Democratic convention at at St. Louis nominating Alton B. Parker for president,

> The retirement of Judge Robbins from Powers case came as a the bench, expecting on his ground to get the case into the

CONTRACT LET

Big Doings at Jackson Fair And Carnivai.

sioner of agriculture and commerce, announces that the management of the big state fair and carnival event to be given in hold 8,000 people, besides accom- McDowell county. modating a large variety of exhi- | Sam Briggs, Walter Johnson, bits of various kinds. This Col- Ralph Dunber, Sam Willis, Caiseum buildinfi was filed to over- rey Turner, "Red" Topham, flowing last season, as well as the Will Simpson and Joe Strang old capitol building and the num- formed a party that pitched camp the grounds around the old capi- for a two weeks' outing. They jury to answer to the charge of tol. This new building, which is had taken a small keg of beer killing Standford White. Thaw to be erected at once, will be the with their effects, hauling them largest building yet erected by over an old timber tramroad Littleton today, after a confer- the company. It will have a The keg had been opened and ence with his mother and his floor space of 300 feet long by left half submerged in the cold

Natural Gas Used.

Company today and price was just alive, they are probably fense, which has hoped he would feet. The New York-Alabama overrule its motion to get him off Oil Company is in charge of the gas industry here now, having leased the plant and taken over the franchises of the Huntsville a Georgia minister that there is presiding Judge is named a delay ture of artificial gas has been Pittsburg is in a class by itself,

COPPERHEAD SNAKE IN KEG OF BEER

Four Men Die from Drinking Hon. E. H. Blakeslee, commisthe Liquor.

Ashland, Ky., Aug. 2.-From Jackson this fall, have let a con- the effectt drinking beer from a tract for a mammoth building to keg into which a copperhead be known as "Agricultural Hall.' | snake had crawled and died, four Last year the management men are dead add two are dying built the present Auditorium or at a woodland camp in the moun-Coliseum building, which will tains, fifteen miles back of Welch,

erous booths that were built in at the edge of a mountain stream wife. It is said that Mr. Little- 150 feet in length and it will be water with the bunghole unstopdevoted entirely to the accommo- ped. It is presumed that some the day rates on toll messages As chief counsel for Thaw Mr. dation of agricultural displays of time during the afternoon the will apply at all hours day, night Littleton will succeed Delphin various kinds. This building and copperhead crawled into the keg and Sunday, to all points reached M. Delmas, the San Franc sco the Coliseum building and the and died. All but Strang drank by the toll lines of the Cumberlawyer, who assumed charge of old capitol will be the main build, the beer in the evening, and in land Telephone & Telegraph the defense soon after the open- ings, but they will be supple- less than fifteen minutes were Company. Written messages ing of Thaw's first trial, which mented by large tents and booths suffering untold agony. Strang will be accepted at the same rates, resulted in a disagreement of the and various other outbuildings made a wild night ride on the and under the same terms and jury. He is regarded as an able of smaller dimensions scattered tramroad down the mountain to conditions as are offered by other the nearest village, where medi- telegraph companies, but for cal help was secured, but by the oral communications the regular time the camp was reached day rate will be the tariff to be Biggs, Topham, Turner and observed on and after August Huntsville, Ala., Aug. 1-Nat- Simpson were dead from the ef- 1st. ural gas was turned on through fects of the terrible poison, and the pipes of the Huntville Gas while Johnson and Willis were It

> The Rev Zed Cobb's assertion that there are three heavens, in connection with the statement of as desirable as Boston.

AFFRAY IN JACKSON

Georgia Man

Jackson, Mies., Aug.-As a result of a difficulty, which occurred at a cigar and billard stand on West Capitol street early tonight, George R. Jeter, a cotton seed buyer, whose home is in Lawrence county, lies desperately wounded with two bullets through his body, the result of which are still uncertain, and T. J. Talbert of Athens, Ga., a traveling man, is in the city prison, charged with shooting with intent to kill.

The quarrel was the outcome of a game of cigar roulette in the tobacconist stand, in which they were both engaged, along with others, sharp words passed between them. Jeter, it is stated, turned from where they had been standing and walked in the direction of the pool tables, when Talbert, as stated by bystanders, siarted after him, drawing a weapon at the same time and walking close up to Jeter fired. Two shots were effective, while two, which were fired after Jeter

With the pistol still smoking in his hand, Talbert ran out of the store and started up the street, but was halted by citizens, who had been attracted by the shots. and held until the police came ip. After being taken to the jail Telbert would have nothing to say, beyond the fact that he felt justified in what he had done. He is a shirt saleman and is well known in this territory, while his victim, who has been here some four months, is also well known and enjoys a good reputation.

GEORGIA IN LINE

Negro Distranchisement Bill Passes Senate by Almost **Unanimous Vote**

Atlanta, Ga., Aug. 1-The so called negro disfranchisement bill was passed by the senate to day by a vote of 37 to 6.

The bill will go to the house for action Friday. The bill, which follows closely the Alabama law, provides that in order to vote a man must own or pay taxes on \$500 worth of property, or be able to read and write a paragraph of the state or federal constitution, or he must descended from a man who has fought in any war in which the United States or the Confederate States have been engaged, or he must have a proper conception of his duty to the state and the nation.

The adoption of the bill by the lower house is said to be certain, and it follows the recommendations of Gov. Hoke Smith in his inaugural message.

Notice to Telephone Subscribers

On and after August 1st, 1907,

(Signed) LELAND HUME. General Manager.

A Two Cent Rate.

The railroad commission ordered the Grand Trunk Railway to have first-class passenger carriages put on the trains throughout the entire system in Canada, but gave it the right to appeal to the supreme court. This will mean a two cent rate for the Canadiane.

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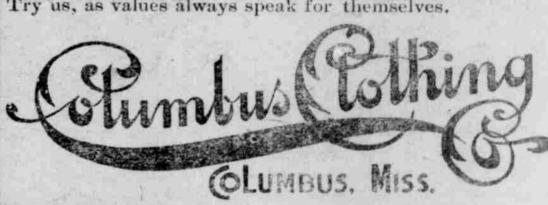
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